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09/592,775	06/13/2000	Israel Hilerio	0544MH-35309	5589

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/592,775

Applicant(s)

HILERIO ET AL.

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 9-18 and 24-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The cited claims detail an exchange or method for facilitating communication among supply chain participants by using a plurality of containers. Therefore, the claims are all software code for allowing participants to communicate and are not implemented in any statutory structure that is proper under 35 U.S.C. 101. See M.P.E.P. 2106.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable over SHOHAM (U.S. Patent 6,285,989) in view of KOLTON (U.S. Patent 5,778,357).  
As to claim 1, SHOHAM teaches a communications exchange for facilitating communication among a plurality of supply chain participants in an electronic marketplace to facilitate one or more marketplace transactions (market entities

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performing trading primitives) (col. 6, lines 60 – col. 7, lines 3), comprising: a communication interface (interface) operable to send and receive messages (requests) among the plurality of supply chain participants in the electronic marketplace to facilitate one or more marketplace transactions (col. 12, lines 38-54); an event container (transaction monitor) connected to the communication interface (interface) and operable to receive messages (requests) from the communication interface as events (market events), one or more of the messages and their corresponding events each being associated with one or more marketplace transactions (col. 12, lines 38-54); a condition container (database) connected to the event container (transaction monitor; via the services), the condition container comprising a plurality of condition instances (rules / constraints / preconditions) each specifying one or more rules for determining whether to initiate an action defined by an action instance (service) associated with the condition instance (wherein the service considers the rules / constraints / preconditions in determining whether an action is performed), a particular condition instance specifying whether to initiate the action defined in the associated action instance to facilitate one or more marketplace transactions in the electronic marketplace (col. 12, lines 38-54; col. 13, lines 33-54; fig. 5; col. 8, lines 50 – col. 9, lines 1; col. 9, lines 13-19); and an action container (DLL modules) connected to the condition container (database) and containing a plurality of action instances (services), each action instance associated with one or more of the condition instances (rules and constraints / preconditions) and defining an action (service) operable to, when initiated, facilitate one or more marketplace transactions in the electronic marketplace (col. 13, lines 6-23); when one or

more events (market events) received by the event container from the communication interface (interface) are determined to match a particular condition instance (rule / constraint), the action, defined in the action instance associated with the particular condition instance (service to be performed due to the rule / constraint / preconditions), is initiated by the communications exchange to facilitate the one or more marketplace transactions associated with the one or more events (events) determined to match the particular condition instance (rules / constraint / preconditions) (col. 13, lines 24-54; col. 9, lines 14-19). However, SHOHAM does not teach that the rules include predicates for determining whether they match.

KOLTON teaches a marketing system for defining conditions for performing queries and executing the conditions in order to retrieve market data wherein the marketing conditions include predicates (left attribute) such that an action is performed, i.e. data retrieved, if the predicate is true, i.e. matches (fig. 4A; col. 4, lines 18-33; col. 10, lines 20-65; col. 11, lines 45-62). Therefore, it would be obvious to one skilled in the art to combine the teachings of SHOHAM with the teachings of KOLTON in order to facilitate a system capable of posing more sophisticated queries to obtain market data.

As to claim 2, SHOHAM teaches defining a market that considers time when determining whether to initiate a trading primitive (col. 6, lines 52-67; col. 8, lines 50-58; col. 8, line 64 - col. 9, line 1). It is obvious to one skilled in the art that since the transaction monitor receives the event and determines what services to invoke based on the event under certain conditions and that the conditions are based on an absolute

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time-line that there must be a timer operable to generate events related to time to process the steps by the required time.

As to claim 3, SHOHAM teaches the steps of interpret the condition instances at runtime (via the services using the rules and constraints to determine the manner in which a particular request/event is to be handled for a specific market); and change the condition instances in response to user input while the exchange is operating without disrupting processing of events (col. 13, lines 45-54; col. 15, lines 21-24).

As to claim 4, SHOHAM teaches wherein at least one of the plurality of action instances (services) is operable to generate a new event (event) when the action defined by the action instance is initiated, the new event being sent to the event container (transaction monitor) (col. 13, lines 24-32).

As to claim 13, SHOHAM teaches the messages sent and received by the communications interface (interface) comprise one or more of: a request for a quote; a quote; shipping information; product availability information; delivery information; and a firm order (col. 12, lines 38-54).

As to claim 14, SHOHAM teaches the electronic marketplace comprises one or more of: customers; resellers; suppliers; manufacturers; and logistics providers (col. 7, lines 1-3).

As to claim 15, SHOHAM teaches the steps of: receiving definitions of condition instances from supply chain participants of the exchange (VIA defining the market) (col. 7, lines 15 – col. 8, line 45); and associate the definitions of condition instances with the condition container (rules and constraints database) such that the supply chain participants of the exchange may delegate certain decisions to the exchange (via the actions using the conditions to handle a particular request/event with a service based on the rules and constraints) (col. 13, lines 33-48).

As to claim 16, SHOHAM teaches one or more of the messages are initiated by a supply chain participant (col. 7, lines 1-3).

As to claim 17, SHOHAM teaches one or more of the messages (events / requests) are initiated by a particular action contained in the action container (services) (col. 13, lines 24-32).

As to claim 18, SHOHAM teaches in response to input from a user, the communications exchange is operable to dynamically modify (via primitives) a specified condition in the condition container (market rules) (col. 7, lines 15 – col. 8, line 45) independent of events in the event container and actions in the action container; and in response to input from the user the communications exchange is operable to dynamically modify (via primitives) a specified action (via modifying the market) in the

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action container (services) independent of events in the event container and conditions in the condition container (VIA the transaction monitor being insulated from the details of the specific market and by maintaining the rules and constraints in a database along with partitioning of services into general and market specific allows greater flexibility in creating a new market and in modifying an existing market) (col. 13, lines 6-54; col. 12, lines 54-65).

As to claims 5-8 and 19-23, reference is made to a system that corresponds to the exchange of claims 1-4 and 13-18 and is therefore met by the rejection of claims 1-4 and 13-18 above.

As to claims 9-12 and 24-29, reference is made to a method that corresponds to the system of claims 1-4 and 13-18 and is therefore met by the rejection of claims 1-4 and 13-18 above.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



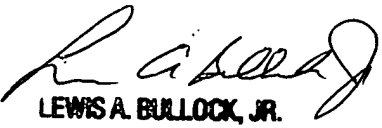
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER

February 20, 2005